



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,933	12/30/2003	David J. Parins	1001.1676101	1930
28/075 7590 03/25/2009 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420				
EXAMINER				
TOWA, REINE T				
ART UNIT		PAPER NUMBER		
3736				
MAIL DATE		DELIVERY MODE		
03/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant argues that Christian does not appear to teach or suggest that the tubular member has a maximum outer diameter that is less than the outer diameter of the coil member. Applicant further argues that Christian does not appear to teach a tubular member having a uniform outer diameter. These arguments have been considered but have not been deemed persuasive.

In response to the Applicant's contention that Christian does not appear to teach or suggest that the tubular member has a maximum outer diameter that is less than the outer diameter of the coil member, the Examiner respectfully traverses. The Examiner notes that in figure 12, Christian teaches a tubular member 206 having two different diameters; wherein one of said diameters (i.e. formed by the grooves 209) includes a maximum outer diameter that is less than the outer diameter of the coil member 210 (i.e. the claim pertains in part to a "tubular member" having a single "maximum outer diameter that is less than the outer diameter of the coil member" rather than a tubular member whose maximum outer diameter is less than the outer diameter of the coil member throughout its entire length). Similarly, the tubular member 206 of Christian includes a portion having a uniform outer diameter (i.e. the claim pertains to a single "uniform outer diameter" rather than an outer diameter that is uniform throughout the entire length of the tubular member). As such, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a tubular member whose maximum outer diameter is less than the outer diameter of the coil member throughout its entire length

or an outer diameter that is uniform throughout the entire length of the tubular member) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, the Examiner submits that it does not appear to be novel to have a tubular member having a uniform maximum outer diameter throughout its entire length that is less than the outer diameter of the surrounding coil member as evidenced by previously cited reference to Bonello et al. (US 4,732,163 at figures 1-2). Even moreover, Applicant's instant disclosure includes embodiments wherein the tubular member 80 includes two diameters wherein one of said diameters is less than the outer diameter of the coil member 82 (see figs. 5 & 8-9).

As such, the Examiner submits that Christian teaches a tubular member 206 having two different diameters; wherein one of said diameters (i.e. formed by the grooves 209) includes a maximum outer diameter that is less than the outer diameter of the coil member 210; wherein the tubular member 206 also includes a portion having a uniform outer diameter.

In view of the foregoing, the Applicant's request for reconsideration has been considered but has failed to place the case in condition for allowance.